

Bayer 9962.3-HCL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Neuser et al.
Serial No. : 09/402,737
Filed : October 8, 1999
For : Analgesic Combination
Art Unit : 1616
Examiner : Konata George

October 1, 2004

Hon. Assistant Commissioner
For Patents
Alexandria, VA 22313-1450

PETITION FOR EXTENSION OF TIME (37 CFR1.136(a))

Sir:

1. This is a petition to extend the period of time one (1) month for filing a response to the Office Action dated June 7, 2004
2. Applicant is:

a small entity
 other than small entity

3.	<u>Extension</u> <u>(months)</u>	<u>Fee for other than</u> <u>small entity</u>	<u>Fee for</u> <u>small entity</u>
	[X] one month	\$ 110.00	\$ 55.00
	[] two months	\$ 430.00	\$215.00
	[] three months	\$ 980.00	\$490.00
	[] four months	\$1,530.00	\$765.00
	[] five months	\$2,080.00	\$1,040.00

Fee \$ 110.00

10/05/2004 SZEWIDIE1 00000090 141263 09402737

02 FC:1251 110.00 DA SDIRETA1
Adjustment date: 11/24/2004 10705/2004 SZEWIDIE1 00000090 141263 09402737
02 FC:1251 110.00 CR

Docket No. Bayer 10,197.2/ 100717-79

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP : 1616
EXAMINER : Konata George
APPLICANT : Neuser et al.
APPLN. NUMBER : 09/402,737
FILED : October 8, 1999
FOR : Analgesic Combination

Commissioner for Patents
Refund Section, Accounting Division
Office of Finance
P.O. Box 1450
Arlington, VA 22313-1450

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account No. 14-1263, shown on the statement for October 2004, for the above identified patent application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

Refund Requested

- Filing fee
- Surcharge for filing the basic filing fee on a date later than the filing fee of the application (37 CFR § 1.16(e))
and/or
- Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR § 1.16(e))
- Extension of the term for first month
- Excess Claims

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- Issue Fee
 Petition Fee
 Other- One Month Extension of Time

110.00

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III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

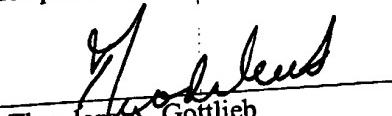
The period for reply to the Office Action dated June 7, 2004 was set for three (3) months from the mailing date of the communication. Applicant timely filed a response (Amendment under 37 CFR 1.116) on July 21, 2004 and a Notice of Appeal on August 31, 2004.

Therefore, a Request for Continued Examination, filed on October 1, 2004, did not require a petition for one month extension of time.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account No. 14-1263:

Respectfully Submitted,


Theodore A. Gottlieb
Reg. No. 42,597

Norris, McLaughlin & Marcus P.A.
875 Third Avenue, 18th Floor
New York, N.Y. 10022
Telephone: (212) 808-0700
Telecopier: (212) 808-0844

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

Date: October 8, 2004
October 8, 2004

By Agata Glinska
Agata Glinska

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Deposit Account Statement

DIVISION



**United States
Patent and
Trademark Office**

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**Deposit Account Statement**

Requested Statement Month:

October 2004

Deposit Account Number:

141263

Name:

NORRIS, MC LAUGHLIN & MARCUS

Attention:

WILLIAM R. ROBINSON

Address:

P.O. BOX 1018

City:

SOMERVILLE

State:

NJ

Zip:

08876-1018

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/01	56	09838411	BEIERSDORF65	1501	\$1,330.00	\$31,424.00
10/01	57	09838411	BEIERSDORF65	1504	\$300.00	\$31,124.00
10/01	58	09838411	BEIERSDORF65	8001	\$6.00	\$31,118.00
10/01	59	09719670	BEIERSDORT69	1501	\$1,330.00	\$29,788.00
10/01	60	09719670	BEIERSDORT69	8001	\$6.00	\$29,782.00
10/01	67	10643316	103880-033	8021	\$40.00	\$29,742.00
10/01	76	10947982	100717-627(BAYER 10286)	8021	\$40.00	\$29,702.00
10/01	113	29214096	102792-350	1002	\$340.00	\$29,362.00
10/01	125	29214096	102792-350	1460	\$130.00	\$29,232.00
10/01	198	6207133		2551	\$455.00	\$28,777.00
10/01	272	09265779	BEIERSDORF41	1501	\$1,330.00	\$27,447.00
10/01	273	09265779	BEIERSDORF41	8001	\$6.00	\$27,441.00
10/04	21	29214205	103793-353	1002	\$340.00	\$27,101.00
10/04	22	29214206	102792-354	1002	\$340.00	\$26,761.00
10/04	45	10509287	101194-85	1613	\$920.00	\$25,841.00
10/04	46	10509287	101194-85	8021	\$40.00	\$25,801.00
10/04	207	78493185	103980-1	7001	\$335.00	\$25,466.00
10/05	5	10247409	TESA AG 1537	1801	\$770.00	\$24,696.00
10/05	6	10357069	TESA AG 1581-WCG	1253	\$950.00	\$23,746.00
10/05	7	10343808		1617	\$130.00	\$23,616.00
10/05	52	10509403	101371-35	2611	\$540.00	\$23,076.00
10/05	53	10509403	101371-35	2615	\$27.00	\$23,049.00
10/05	109	10509541	102792-349/10995P1	1613	\$920.00	\$22,129.00
10/05	123	10332201	102792-26	1501	\$1,370.00	\$20,759.00
10/05	124	10332201	102792-26	1504	\$300.00	\$20,459.00
10/05	125	10332201	102792-26	8001	\$6.00	\$20,453.00
10/05	143	09402737	BAYER 10197-	1801	\$790.00	\$19,663.00
10/05	144	09402737	BAYER 10197-	1251	\$110.00	\$19,553.00

Deposit Account Statement

10/05 291	10509555	102792-008/11006P1	1613	\$920.00	\$18,633.00
10/05 318	76432666	101154-10	7004	\$150.00	\$18,483.00
10/05 452	10487913	101769-256 (TESA 1637)	1617	\$130.00	\$18,353.00
10/06 1	10030801	100723-12/BE	1253	\$950.00	\$17,403.00
10/06 9	10311037		1617	\$130.00	\$17,273.00
10/06 10	10311037		1253	\$950.00	\$16,323.00
10/06 10	09937126	101195-63	2801	\$385.00	\$15,938.00
10/06 145	PAYMENT		9203	-\$30,000.00	\$45,938.00
10/06 475	60579367		8021	\$40.00	\$45,898.00
10/06 479	60579368		8021	\$40.00	\$45,858.00
10/06 480	60579946		8021	\$40.00	\$45,818.00
10/06 482	60579479		8021	\$40.00	\$45,778.00
10/06 640	10491515		8021	\$40.00	\$45,738.00
10/06 920	78495203	101194-88	7001	\$670.00	\$45,068.00
10/06 934	78495210	101194-89	7001	\$670.00	\$44,398.00
10/06 1184	10789075		8021	\$40.00	\$44,358.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$32,754.00	\$18,396.00	\$30,000.00	\$44,358.00

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